

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARINA CALOVE,

Plaintiff(s),

VS.

NATIONSTAR MORTGAGE, LLC,

Defendant(s).

Case No. 2:14-cv-01329-JAD-NJK

ORDER GRANTING MOTION TO STAY DISCOVERY

(Docket No. 31)

Pending before the Court is Defendant's motion to stay discovery pending resolution of its motion to dismiss. *See* Docket No. 31; *see also* Docket No. 21 (motion to dismiss). The motion to stay was filed on January 5, 2015, but Plaintiff has failed to file a response to date. The Court finds this matter appropriately resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the Court hereby **GRANTS** the motion to stay discovery.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 The Court finds these factors are present here. First, the motion to dismiss is potentially
2 case-dispositive as it challenges all pending claims. Second, the motion to dismiss can be decided
3 without additional discovery. Third, the Court has taken a preliminary peek at the merits of the
4 motion to dismiss and believes it will be granted.¹

5 Accordingly, the motion to stay discovery is hereby **GRANTED**. In the event that the
6 motion to dismiss is not granted in full, the parties shall file a joint proposed discovery within 14
7 days of the issuance of the order resolving the motion to dismiss.

8 IT IS SO ORDERED.

9 DATED: January 28, 2015

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits.
28 *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is
not intended to prejudice its outcome. *See id.*